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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 ANTONIO BREAKMAN., )  
12 Plaintiff, ) CASE NO. 3:10-cv-00487-RCJ-WGC  
vs. )  
13 )  
14 TOM STUBBS, )  
15 Defendant. )  
16 \_\_\_\_\_)

17 **Application and Order to Produce Inmate for Trial**

18 Defendant Tom Stubbs, by and through legal counsel, Catherine Cortez Masto,  
19 Attorney General, and Timothy Andrews, Senior Deputy Attorney General, hereby applies for  
20 an order directing the Nevada Department of Corrections ("NDOC") to produce inmate  
21 Antonio Breakman (#83500), plaintiff *pro se*, for his attendance at trial in the United States  
22 District Courthouse in Reno from March 26, 2012 at 8:00 a.m. through March 29, 2012 5:00  
23 p.m., or until the completion of trial, whichever is later.

24 On January 24, 2012, the court issued a minute order directing that plaintiff *pro se*,  
25 NDOC inmate Antonio Breakman, be produced for trial at 8:00 a.m. on March 26, 2012; but  
26 the order does not specifically require Mr. Breakman's attendance for the days that follow.  
27 Inmate transportation is governed by the Nevada Revised Statutes and NDOC Administrative  
28 Regulations. See NRS 209.274 ("when an offender is required or requested to appear before

1 a court in this state, the Department shall transport the offender to and from court on the day  
2 scheduled for his or her appearance"); AR 740.02 ("transportation activities should be limited  
3 to those which are minimally required to conform to law").

4 In an effort for the NDOC transportation authority to be fully compliant with the  
5 applicable law and regulations, Defendant respectfully applies for an order from this court  
6 directing the Nevada Department of Corrections to:

7 (1) produce inmate Antonio Breakman, #83500, at the Bruce R. Thompson Federal  
8 Building & U.S. Courthouse, 400 S. Virginia St., Reno, NV 89501 at 8:00 a.m. on March 26,  
9 2012, and at 8:00 a.m. on each and every day that follows until 5:00 p.m. on March 29, 2012,  
10 or until trial in the above-captioned matter is completed, whichever is later; and,

11 (2) make other necessary arrangements to ensure inmate Antonio Breakman,  
12 #83500, remains physically present at the Bruce R. Thompson Federal Building & U.S.  
13 Courthouse, 400 S. Virginia St., Reno, NV 89501 from 8:00 a.m. through 5:00 p.m. for the  
14 duration of the trial.

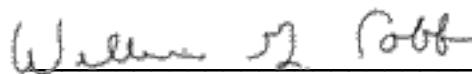
15 DATED this 1<sup>st</sup> day of February, 2012,

16 Submitted by:

17 CATHERINE CORTEZ MASTO  
18 Attorney General

19 By: /s/ Timothy F. Andrews  
20 TIMOTHY F. ANDREWS  
21 Senior Deputy Attorney General  
22 Nevada Office of the Attorney General

23 IT IS SO ORDERED:

24   
25 United States Magistrate Judge

26 DATED: February 8, 2012.